(48)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ

Writ Petition No. 1392 of 2003

PETITIONERS

1. Prerna Shikshan Samiti Tilak nagar Bilaspur Through its Secretary
2. Bilaspur Public School Gondpara, Bilaspur through its Principal

VERSUS

RESPONDENTS

1. Union of India through The Secretary to the Government of India Ministry of Labour
2. Regional Provident Fund Commissioner Regional Office Chhattisgarh Nav Bharat Press Complex G.E. Road Raipur, Distt. Raipur (C.G.)
3. Recovery Officer Employees Provident Fund Organisation (Ministry of Labour Govt. of India) Regional Office Chhattisgarh Nav Bharat Press Complex G.E. Road Raipur, Distt. Raipur (C.G.)
4. State of Chhattisgarh Through the Secretary to Govt. of Chhattisgarh, Department of Education, D.K.S. Bhawan, Mantrayalaya Raipur (C.G.)

Present: Shri Ayaz Naved, learned counsel for the petitioners.
Shri S.K. Beriwal, learned standing counsel for Union of India.

ORAL ORDER
(Passed on 4th September, 2006)

Learned counsel for the petitioner would submit that though against the impugned order an appeal lies under Section 7-I of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, the writ petition was filed without exhausting the appeal remedy, because, at that time the Appellate Authority was not functioning. It is stated that now the Appellate

Authority is functioning. In that view of the matter, the writ petition is dismissed, however reserving liberty to the petitioner to avail of the appeal remedy under Section 7-I of the Act. If such appeal is preferred by the petitioner within a period of one month from today, the Appellate Authority is directed to dispose of the same on merit, in accordance with law, without reference to the limitation, as expeditiously as possible and in any event within a period of six months from the date of presentation of the appeal. No costs.

Sd/-
Chief Justice